

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1085**

Introduced by Lautenbaugh, 18.

Read first time January 21, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to civil procedure; to amend section  
2 25-1011, Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to garnishment; to eliminate obsolete  
4 provisions; and to repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 25-1011, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           25-1011 (1) The summons and order of garnishment and the  
4 interrogatories in duplicate, a notice to judgment debtor form, and  
5 a request for hearing form shall be served upon the garnishee in  
6 the manner provided for service of a summons in a civil action.

7           (2) The judgment creditor or his or her agent or attorney  
8 shall send to the judgment debtor by certified mail to the  
9 last-known address of the judgment debtor a copy of the summons  
10 and order of garnishment, a notice to judgment debtor form, and a  
11 request for hearing form within ~~three~~ seven business days ~~of~~ after  
12 issuance by the court and shall certify in writing to the court the  
13 date of the mailing.

14           (3) The Supreme Court by rule of court shall promulgate  
15 uniform garnishment forms for use in all courts in this state.  
16 ~~Until the forms are promulgated, garnishments shall continue in the~~  
17 ~~courts by use of the existing forms.~~ The forms shall include the  
18 summons and order of garnishment, the garnishment interrogatories,  
19 a notice to judgment debtor form, and a request for hearing form.

20           (4) The notice to judgment debtor form shall include the  
21 following information:

22           (a) That certain funds are exempt from garnishment if  
23 such funds are from certain government benefits and other sources;

24           (b) That wages are exempt up to a certain level and the  
25 amount that can be garnished varies if the judgment debtor is the

1 head of a family;

2 (c) That if the judgment debtor believes the court should  
3 not allow a garnishment either because the funds sought are exempt  
4 or because the amount is not owed on the judgment, the judgment  
5 debtor is entitled to a hearing within ten days ~~of~~ after a request  
6 by the judgment debtor to determine such issues; and

7 (d) That if the judgment debtor wishes a hearing as  
8 prescribed in subdivision (c) of this subsection, the judgment  
9 debtor shall make a request by filling out the request for hearing  
10 form and file the form with the court within three business days ~~of~~  
11 after receipt of the notice to judgment debtor form by the judgment  
12 debtor.

13 (5) If the judgment debtor in a garnishment proceeding  
14 requests a hearing, the court shall grant the hearing within ten  
15 days of the request.

16 Sec. 2. Original section 25-1011, Reissue Revised  
17 Statutes of Nebraska, is repealed.